

Clemmons v. County of Los Angeles, No. 06-56676

JUN 19 2008

PREGERSON, Circuit Judge, dissenting:

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

For twenty-three days, the sheriff did not trouble himself to take Jerome Clemmons's complaint seriously. The California Supreme Court has recognized that the sheriff must exercise reasonable diligence when carrying out a court order. *See Vallindras v. Mass. Bonding & Ins. Co.*, 42 Cal. 2d 149, 156 (1954). Even an "ordinarily intelligent and informed layman," *id.* at 154, could see that Jerome Clemmons was being detained pursuant to an order naming a different person: James Clemmons. I dissent.